

DATE 10/1/07

APPLICATION NUMBER 10/501129

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**OFFICE OF PETITIONS**

In re Application of  
Martin Clive-Smith  
Application No. 10/501,129  
Filed: July 12, 2004  
Attorney Docket No. A-760423/DNM

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**ON PETITION**

This is a decision in response to a petition under 37 CFR 1.137(b), filed June 4, 2007, to revive the above-identified application.

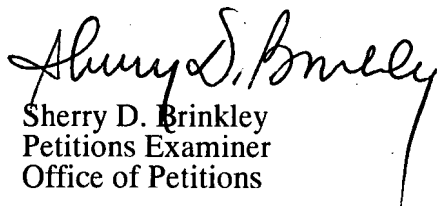
The petition is **DISMISSED AS MOOT**.

A review of the record discloses that a non-final Office action was mailed on November 29, 2006, which set a shortened statutory period for reply of three (3) months. On May 30, 2006, an amendment, including an appropriate three-month extension of time, was filed using a certificate of facsimile transmission dated May 29, 2006. Since May 29, 2006 was a federal holiday, the response was properly accorded a filing date as of the next business day, i.e., May 30, 2006. Thus, the response filed May 30, 2006 is considered timely.

Since no abandonment exists, the petition under 37 CFR 1.137(b) is unnecessary. The \$750 petition fee is being credited to counsel's deposit account as authorized.

The application is being referred to Technology Center AU 3637 for appropriate action by the Examiner in the normal course of business on the reply received May 30, 2006.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3204. Inquiries relating to further prosecution should be directed to the Technology Center.

  
Sherry D. Brinkley  
Petitions Examiner  
Office of Petitions